

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSHUA BIALIK,

Plaintiff,

File No. 1:12-CV-522

v.

HON. ROBERT HOLMES BELL

JULIA RADDATZ,

Defendants.

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On June 6, 2012, United States Magistrate Judge Joseph G. Scoville issued a report and recommendation ("R&R") recommending that Plaintiff's motion to remand and motion to disqualify counsel (Dkt. No. 5) be denied in its entirety. (Dkt. No. 10, R&R.) Plaintiff filed objections to the R&R on June 19, 2012.

This Court is required to make a *de novo* determination of those portions of the R&R to which specific objection has been made, and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). "[A] general objection to a magistrate's report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious." *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995).

Plaintiff has raised numerous objections to the R&R, including his assertion that the R&R is void because he did not consent to the court's jurisdiction. With respect his motion to remand, Plaintiff objects to the R&R on grounds that this Court is in conspiracy against Plaintiff's rights as evidenced by its citation to cases from courts other than the Supreme Court; that federal law only applies within the "Federal Zone," which is limited to the District of Columbia, Puerto Rico, and other territories and possessions; that this Court does not have jurisdiction to rule on anything in this case; that this Court has no authority to label Plaintiff's challenges to federal jurisdiction as frivolous; and that Plaintiff is subject to the jurisdiction of the Roman Catholic Church. None of Plaintiff's arguments raise a valid challenge to the R&R's analysis regarding the propriety of removal. On de novo review, this Court agrees that Plaintiff's complaint states a federal question and that Plaintiff's motion to remand should accordingly be denied.

Plaintiff objects to the R&R's analysis of his motion to disqualify counsel on grounds that it erroneously assumes that the alleged conflict is based on a previous attorney-client relationship. Plaintiff contends that defense counsel has a conflict because he represents the school district and its employee, as well as DeWitt, who is a former student, but not an employee. Even if there is a potential conflict of interest between defense counsel and the various defendants, Plaintiff does not have standing to raise such a conflict. On de novo review, the Court agrees with the R&R that Plaintiff's motion to disqualify counsel must be denied. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's objections to the R&R (Dkt. No. 11) are **OVERRULED**.

IT IS FURTHER ORDERED that the June 6, 2012, R&R (Dkt. No. 10) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's motion to challenge jurisdiction, disqualify counsel, and correct erroneous information (Dkt. No. 5) is **DENIED** in its entirety.

Dated: July 17, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE